

DECLARATORY
Improvement Res. No. 1027-1960

For the Vacation of a utility easement
located on a portion of Lots 2, 3, 4,
7, and 8, Rudisill Heights Addition.

Resolution Adopted:

April 7, 1960

Confirmed: (Waiver signed)

April 7, 1960

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

June 8, 1960

DECLARATORY RESOLUTION NO. 1027-1960

For the Vacation of a utility easement located on a portion of Lots 2, 3, 4, 7, and 8, Rudisill Heights Addition.

PLANS ORDERED:

ADOPTED: April 7, 1960

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED
(Waiver signed)

HEARING ON CONFIRMATION: WAIVED

CONFIRMED: April 7, 1960

ASSESSMENT ROLL ORDERED: April 7, 1960

ASSESSMENT ROLL APPROVED: May 17, 1960

HEARING ON CONFIRMATION

OF ASSESSMENT ROLL: Wed., June 8, 1960 at 7:30 p.m. IST.

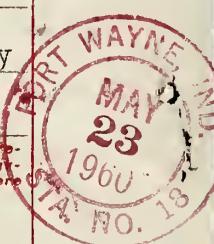
NOTICE SERVED: May 25, 1960

ASSESSMENT ROLL CONFIRMED: June 8, 1960

No. 514881

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO	POSTMARK OR DATE	
William and Emma Moser		
STREET AND NO.		
National Oil & Gas Company		
CITY AND STATE		
Bluffton, Indiana		
If you want a return receipt, check which		
<input checked="" type="checkbox"/> 10¢ shows to whom, and when delivered		<input type="checkbox"/> 35¢ shows to whom, where delivered
		If you want restricted delivery, check here
		<input type="checkbox"/> 50¢ fee
FEES ADDITIONAL TO 20¢ FEE		
POD Form 3800 Jul 1957	SEE OTHER SIDE	



★ U. S. GOVERNMENT PRINTING OFFICE : 1957 16-71547-4

DECLARATION OF EASEMENT

For the Vacation — Opening — Condemnation of right of way for utility purposes of a utility easement located on a portion of Lots 2, 3, 4, 7 and 8, Ruisill Heights Addition.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate a utility easement located on a portion of Lots 2, 3, 4, 7 and 8, Ruisill Heights Addition, more particularly described as follows:
The southeast four (4) feet of Lots Numbered 2, 3 and 4, Ruisill Heights Addition to the City of Fort Wayne, lying South of the Southwest line of U.S. Highway No. 30; and the northwest four (4) feet of Lot Numbered 8 and the northwest four (4) feet of the southwest twenty-five (25) feet of Lot Numbered 7 Ruisill Heights Addition to the City of Fort Wayne.

All as shown by a plan of such proposed Vacation — Opening — Condemnation of right of way for utility purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation — Opening — Condemnation of right of way for utility purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation — Opening — Condemnation of right of way for utility purposes is described as follows: Lots 2, 3, 4, 7 and 8, Ruisill Heights Addition. Said addition inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor shall be as provided for in said above entitled act and all amendment thereto and supplements thereof.

The vacation of the above described _____ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utility for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits

All Streets, lots and lands affected by the above described easement vacation are situated in the northwest quarter of Section 25, Township 31 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

7

DAY OF

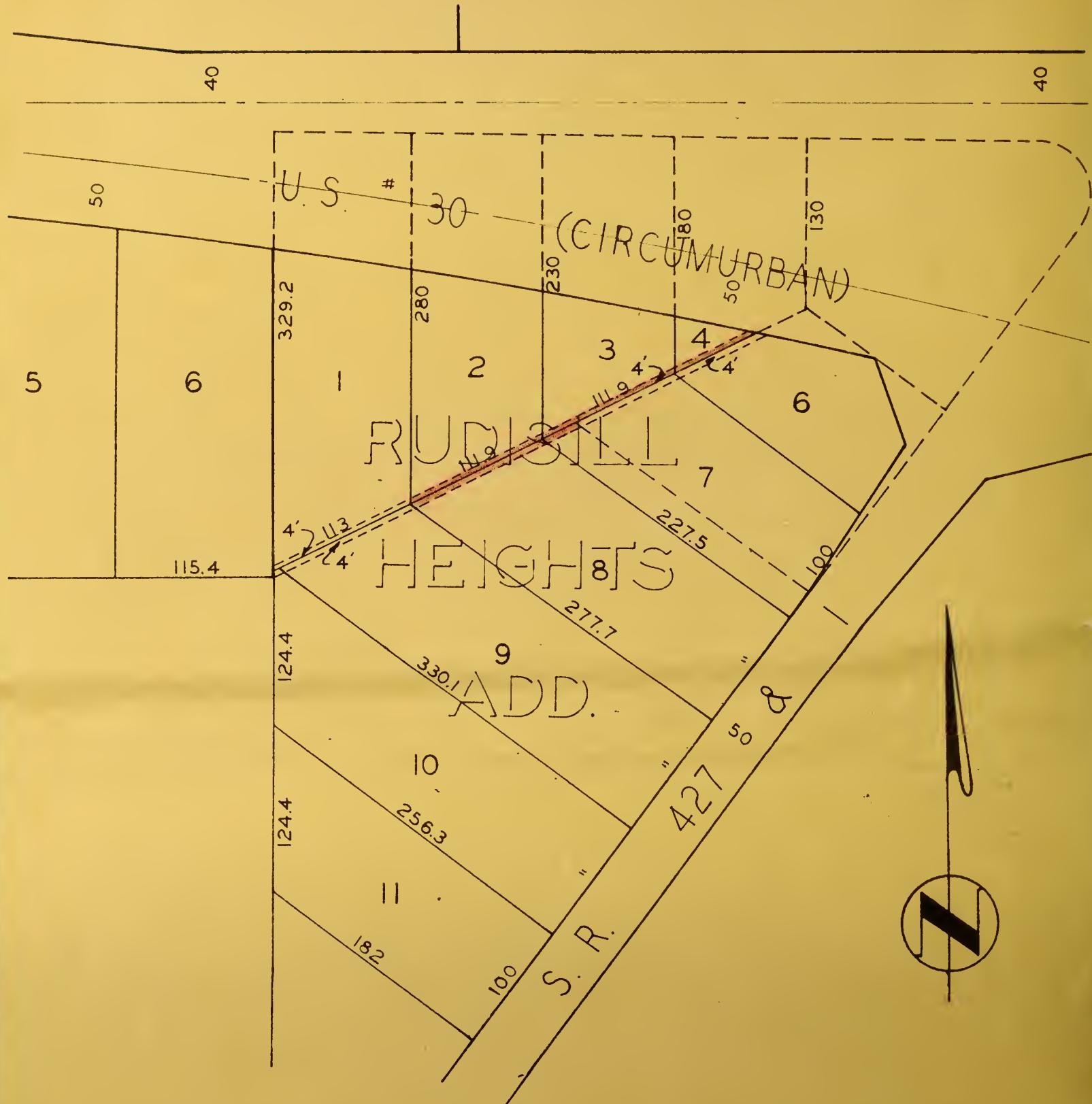
April 1960

Attest:

Secretary Board of Public Works.

*Frank F. Poenikie
J. Lombard
Edward
Board of Public Works*

EASEMENT TO BE VACATED



WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the proposed vacation of a utility easement described as follows, to wit:

The Southeast four (4) feet of Lots Numbered 2,3 and 4, Rudisill Heights Addition to the City of Fort Wayne, lying south of the Southwest line of U.S. Highway No. 30 as it now exists; and the Northwest four (4) feet of Lot Numbered 8 and the Northwest four (4) feet of the Southwest twenty-five (25) feet of Lot Numbered 7 Rudisill Heights Addition to the City of Fort Wayne,

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 1027, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this 4th day of April, 1960

LINCOLN NATIONAL BANK AND TRUST CO.,

BY: Richard W. Goshorn Vice President

Lots 2,3 and 4 except that part taken for Highway purposes; Lot 8 and the Southwest 25 feet Lot 7, all in Rudisill Heights Addition.

William Moser,
William Moser

Lot 6 except that part taken for Highway purposes;
Lot 7 except the Southwest 25 feet, both in
Rudisill Heights Addition.

Emma Moser,
Emma Moser

Richard E. Myers,
Richard E. Myers

Lot 1, except that part taken for Highway purposes,
Rudisill Heights Addition.

Edna K. Myers,
Edna K. Myers

Carl C. Heuer,
Carl C. Heuer

Lot 9, Rudisill Heights Addition

Luella B. Heuer,

Luella B. Heuer

LAW OFFICES

ROTHBERG, GALLMEYER, DOERMER & STRUTZ

SOL ROTHBERG
THOMAS A. GALLMEYER
DONALD F. STRUTZ
GEORGE E. FRUECHTENICHT
THOMAS D. LOGAN
PHILLIP E. GUTMAN
JAMES A. BRIGGS
JOHN H. HEINEY

TELEPHONE ANTHONY 2144

LINCOLN BANK TOWER
FORT WAYNE 2, IND.

Board of Works
City Hall
Fort Wayne, Indiana

Attention: Lou Hallet

314 Ed at M.R.
After SEP. 18 1959 September 16, 1959

NOTED
9-21

11/10

In re: Request of Azar's Northcrest, Inc.
for Vacation of Public Sewer

Gentlemen:

This letter is a request on behalf of Azar's Northcrest, Inc. for the vacation of a public sewer now situated in an easement described as follows:

The Southeast four (4) feet of Lots Numbered 2, 3 and 4, Rudisill Heights Addition to the City of Fort Wayne, lying South of the Southwest line of Indiana State Highway No. 324; and the Northwest four (4) feet of Lot Numbered 8 and the Northwest four (4) feet of the Southwest twenty-five (25) feet of Lot Numbered 7 Rudisill Heights Addition to the City of Fort Wayne, according to Plat Record 10, page 78, as recorded in the office of the Recorder of Allen County, Indiana.

In addition to the petition for the vacation of the above referred to public sewer; above captioned petitioner also requests permission to re-locate the manhole which is currently located within the boundaries of the above set out legal description to a point immediately southwest of the southwest corner of Lot Numbered 8, Rudisill Heights Addition to the City of Fort Wayne.

A plat development for above captioned petitioner has previously been discussed with the Board and with Mr. Howard Biggs of the City Engineers Department and a copy of said plat development has been forwarded to Mr. Lou Hallet of the Board by Mr. Biggs of the City Engineers Office. Said request by above captioned petitioner is made for the purpose of facilitating the erection of a commercial structure in and above the above referred to legal description.

ROTHBERG, GALLMEYER, DOERMER & STRUTZ

Board of Works
September 16, 1959
Page 2

Petitioner has been apprised of the fact that the maintenance of said sewer will be his sole obligation and that said manhole must be removed at petitioner's expense and relocated at petitioner's expense under the supervision of the City Engineer's Office.

In discussing this matter with the City Engineer, petitioner has been informed that its property is located at the end of said public sewer and that the surrounding property north and east of the Circumurban Highway and east of the Led Road is serviced by other sewers. That the City Engineer's office does not anticipate that said sewer will ever be extended from its present point of termination. That for the foregoing reasons no hardship will be caused by the vacation of the aforementioned public sewer and above captioned petitioner will be able to develop its property in conformance to zoning standards.

The undersigned would appreciate being informed of the Board's disposition of this request.

Respectfully submitted,

ROTHBERG, GALLMEYER, DOERMER & STRUTZ

By

Thomas A. Gallmeyer

TAG:kh

cc: Howard Biggs
Alex Azar

LO 324-1959

September 22, 1959

City Engineer

VACATION - Public Sewer in Ridisill Heights Addn. (Azar's Northcrest, Inc.)

The Board at its regular meeting of September 21, 1959 received a request from Rothberg, Callmeyer, Doermer & Strutz, in regards to Azar's newly acquired property on the Circumurban Highway and U.S. 427 for vacation of a portion of a public sewer in Ridisill Heights Addition.

May we have your recommendation and opinion concerning this; and also, prepare the necessary documents for the Board's approval.

BOARD OF PUBLIC WORKS

J. . Hallett, Adm. Asst.

JLH:jc
Attach: Letter

DB
Eg 4/8
B. O. 324-159

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

41-300-11

Date April 7, 1960

To City Engineer

Subject Dec. Res. No. 1027-1960

For the Vacation of a utility easement located on a portion of Lots 2, 3, 4, 7 and 8, Rudisill Heights Addition.

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

PAUL F. ROEMBKE
JOHN D. LOMBARD
BERKELEY WARD
BOARD OF PUBLIC WORKS

IC
ATTACH Res. & P. O. List
cc: Mayor Burns

Signed _____

Reply:

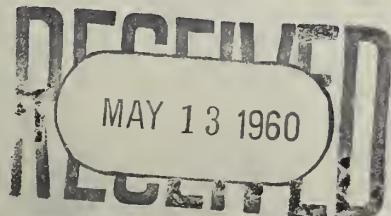
May 13, 1960

Assessment roll of benefits and damages completed and attached.

Edward Green
Edward Green
City Engineer

EG:lm

Attach.



Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

ENGINEERING DEPARTMENT
DEPARTMENT OF STREETS



FORT WAYNE 2, INDIANA

BO 324-1959

Date September 22, 1959

APR 5 1960
NOTED
~~✓✓✓~~

To City Engineer

Subject VACATION - Public Sewer in Rudisill Heights Addn. (Azar's Northcrest, Inc.)

The Board at its regular meeting of September 21, 1959 received a request from Rothberg, Gallmeyer, Doermer & Strutz, in regards to Azar's newly acquired property on the Circumurban Highway and U.S. 427 for vacation of a portion of a public sewer in Rudisill Heights Addition.

Easement
May we have your recommendation and opinion concerning this; and also, prepare the necessary documents for the Board's approval.

BOARD OF PUBLIC WORKS

J. L. HALLET, Adm. Asst.

JLH: jc
Attach. Letter

Duplicate - Original Destroyed in this Office

Signed

Reply:

March 18, 1960

Providing that the Petitioner removes a portion of the existing sewer and constructs a new manhole at their expense, and providing the Petitioner agrees to pay for the services of the Engineer and/or Inspector required from the City Sewer Engineering Department, there is no objection to the adoption of the attached Declaratory Resolution.

All of the affected property owners have signed the attached waiver, so it will not be necessary to advertise or hold a public hearing.

A plan and property ownership list are also attached.

Edward Green
Edward Green,
City Engineer

EG/is

Attach.

RECEIVED
APR 5 1960

Signed

SENDER: REMOVE & KEEP 3RD COPY—RECEIVER: ANSWER & KEEP 2ND COPY—RETURN 1ST COPY

MWD
Z.
file
file
it is good

Board of Public Works

Re: Proposed Azar's California Road Drive-In

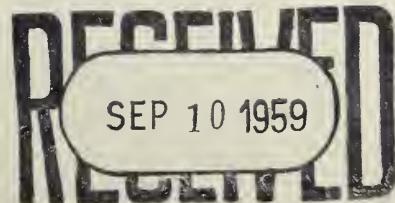
Enclosed is a plot plan showing a proposed Azar's Drive-In, which was submitted to us along with a request to vacate a portion of the sewer and easement located thereon by Mr. Phil Gutman.

They wish to vacate that portion of the Easement to be occupied by their building and move the existing Manhole southwest so that it will be located out from under their building. We have shown, in blue, the proposed location of the manhole, and in green, the existing location of the manhole.

Since these people have purchased all the property that was assessed and will be served by this sewer we see no objection to granting their request. We might call your attention, however, to the fact that this sewer was just recently completed under Resolution No. 643. Certainly any cost involved should be borne by Azar's Restaurant.

H. A. Biggs
H. A. Biggs,
Chief Sewer Engineer
Approved:
Edward Green
Edward Green
City & Administrative Engineer

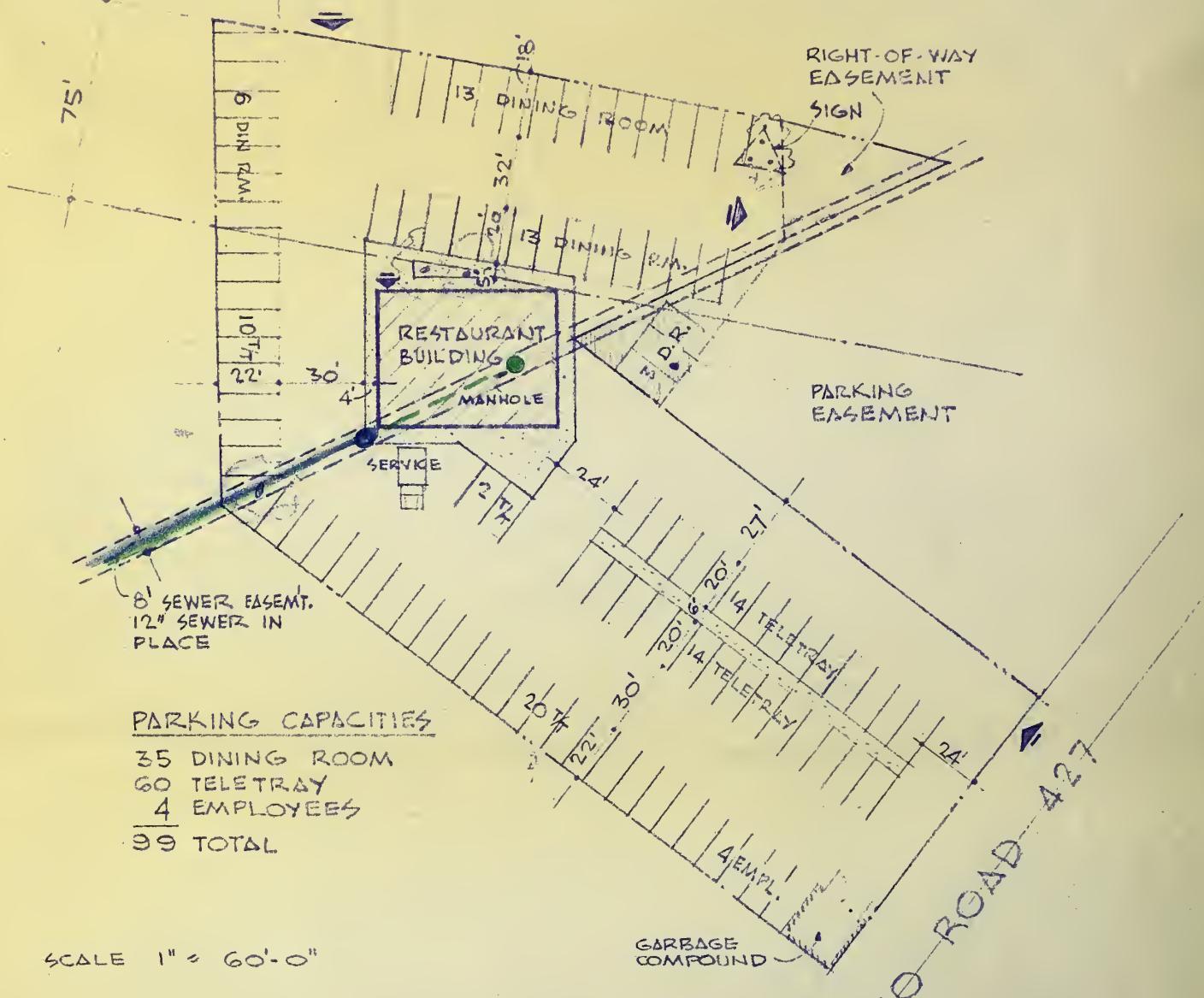
HAB:m
Enc.



U.S. 30

CALIFORNIA ROAD

40'



PLOT DEVELOPMENT FOR
AZAR'S CALIFORNIA ROAD DRIVE-IN

COLE-MATOTT, ARCHITECTS
105 WEST DE WALD K-6854
FORT WAYNE, IND.

13 JULY '59

1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to addressee Show address where delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Mr. & Emma Moore

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

R. Stiger

DATE DELIVERED

6-1-60

ADDRESS WHERE DELIVERED (only if requested in item #1)

C55-16-71548-4 GPO

POST OFFICE DEPARTMENT OFFICIAL BUSINESS		PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.		
REGISTERED NO. POD Form 3811 Jan. 1958	NAME OF SENDER Board of Public Works	
CERTIFIED NO. 514881	STREET AND NO. OR P. O. BOX City Hall	
INSURED NO.	CITY, ZONE AND STATE Fort Wayne, Indiana	

CSS-16-71548-4

BLUE ISLAND, IND.
JAN 14 1960
POSTMASTER
DELIVERING OFFICE
RETURN TO
1960

DECLARATORY
Improvement Resolution No. 1027 - 1960 For THE VACATION OF A UTILITY EASEMENT LOCATED ON A PORTION
OF LOTS 2, 3, 4, 7 AND 8, RUDISILL HEIGHTS ADDITION.

1027